

judgment was entered finding the product to be misbranded but not adulterated, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the goods be relabeled under the supervision of this department, and that the case be dismissed.

E. D. BALL, *Acting Secretary of Agriculture.*

9377. Adulteration and misbranding of oleomargarine. U. S. * * * v. A. H. Kuhlemann Co., a Corporation. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 14311. I. S. No. 14654-r.)

On May 14, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the A. H. Kuhlemann Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 13, 1920, from the State of Maryland into the State of Pennsylvania, of a quantity of oleomargarine which was adulterated and misbranded. The article was labeled in part, (carton) "Nutlet Brand Coco-Pea-Nut Oleomargarine * * * Nutlet Brand Nut Margarine The A. H. Kuhlemann Co. Manufacturers Baltimore, Maryland."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 10 per cent of cottonseed oil.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for a product made from coconuts and peanuts, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Coco-Pea-nut," together with the design and device of a coconut tree bearing coconuts and the design of a peanut, borne on the cartons containing the article, and the statement, to wit, "Made from Coconuts and Peanuts," borne on the wrappers accompanying the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was made wholly from coconut oil and peanut oil, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was made wholly from coconut oil and peanut oil, whereas, in truth and in fact, it was not made wholly from coconut oil and peanut oil, but was made in part from cottonseed oil.

On May 14, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9378. Adulteration and misbranding of catsup. U. S. * * * v. 24 Cases and 13 and 24 Cases * * * of * * * Polk's Best Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14374, 14375. I. S. Nos. 13155-t, 13156-t. S. Nos. E-3075, E-3076.)

On January 29, 1921, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 24 cases of Polk's Best Catsup, and 13 cases, 16-ounce bottles, and 24 cases, 8-ounce bottles, of Polk's Best Catsup, remaining unsold in the original unbroken packages at Gardiner and Bangor, Me., respectively, alleg-